

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICHAEL E. MOCKOVAK,

Petitioner,

v.

RONALD HAYNES,

Respondent.

Case No. C18-671-JLR-MLP

ORDER DIRECTING RESPONDENT
TO FILE A REPLY TO PETITIONER'S
TRAVERSE

This is a federal habeas action brought under 28 U.S.C. § 2254. On June 19, 2020, Petitioner filed an amended habeas petition challenging his custody under a King County Superior Court judgment and sentence pursuant to 28 U.S.C. § 2254. (Dkt. # 28.) On July 20, 2020, Respondent submitted an answer and a memorandum of authorities. (Dkt. # 29.) After the settling of several motions concerning discovery and the state court record (dkt. ## 31, 33, 36, 56), and two extension requests (dkt. ## 60, 62), Petitioner filed his traverse on November 30, 2020. (Dkt. # 64.)

In his traverse, Petitioner directs specific attention to several United States Supreme Court cases that he alleges demonstrate an unreasonable application of clearly established law

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1 under 28 U.S.C. 2254(d)(1) by the state appellate courts in the adjudication of his state
2 proceedings. (*See* dkt. # 64 at 2-4, 35-67.) Petitioner additionally raises multiple issues pursuant
3 to 28 U.S.C. 2254(d)(2) alleging that the state appellate courts made an unreasonable
4 determination of the facts in his case. (*See id.* at 5-6, 67-82.) The Court, having reviewed the
5 briefing of the parties and the balance of the record, concludes that a reply brief from
6 Respondent addressing the above-referenced arguments raised in Petitioner's traverse would aid
7 the Court in its resolution of Petitioner's federal habeas claims.

8 Accordingly, the Court hereby ORDERS as follows:

9 (1) Respondent shall file a reply brief which addresses the arguments set forth in
10 Petitioner's traverse to Respondent's answer not later than **January 4, 2021**.

11 (2) Petitioner's traverse (dkt. # 64) is STRICKEN from the Court's motion calendar.
12 Respondent shall note the reply brief for the Court's consideration on **January 4, 2021**. This will
13 conclude the briefing in this matter.

14 (3) The Clerk is directed to send copies of this Order to all counsel of record and to
15 the Honorable James L. Robart.

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17 DATED this 4th day of December, 2020.

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21 MICHELLE L. PETERSON
22 United States Magistrate Judge

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